



February 01, 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STUDENTS FOR FAIR)
ADMISSIONS, INC,)

Plaintiff,)

VS.) CIVIL ACTION
UNIVERSITY OF TEXAS AT) NO.: 1:20-cv-00763-RP
AUSTIN, ET AL.,)

Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF

[REDACTED]
FEBRUARY 1, 2021

VOLUME 1

ORAL AND VIDEOTAPED DEPOSITION OF [REDACTED]
produced as a witness at the instance of the DEFENDANT,
and duly sworn, was taken in the above-styled and
numbered cause on February 1, 2021, from 9:38 a.m. to
1:25 p.m. via Zoom, before Miah Hoffman, CVR in and for
the State of Texas, reported by oral stenography,
pursuant to the Federal Rules of Civil Procedure and the
provisions stated on the record or attached hereto.

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KTA HOST: DEA BROWN

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P R O C E E D I N G S

REPORTER: We are on the Record. Today's date is February 1st, 2021. The time is 9:38 a.m. This is the oral deposition of [REDACTED], and it is being conducted remotely by agreement of the parties or in accordance with current Emergency Orders. The witness is attending from [REDACTED].

My name is Miah Hoffman, my CVR # is 7859 with Kim Tindall & Associates. I am administering the oath and reporting the deposition remotely by oral stenographic means.

My business address is 16414 San Pedro Avenue, Suite 900, San Antonio, Texas 78232. The witness has been identified to me through his Texas driver's license.

Would counsel go ahead and please state their appearances for the record?

MR. POWERS: Matt Powers for the defendants.

MR. MCKETTA: Also for defendants.

MR. CONNOLLY: Michael Connolly for plaintiff, Students For Fair Admissions.

MS. SIMPSON: Carter Simpson for the defendant, Intervenors.

MR. HINOJOSA: David Hinojosa, defendant,
Intervenors.

(Witness duly sworn.)

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. POWERS:

Q. [REDACTED] would you please state your name
for the record?

A. [REDACTED]

Q. Your first name is [REDACTED] and your last name
is [REDACTED], correct?

A. Yes.

Q. Have you ever given a deposition before, [REDACTED]
[REDACTED]?

A. No.

Q. Okay.

MR. CONNOLLY: Matt, I'm sorry to
interrupt. I should have said this before. Can I put
the stipulations that we agreed to on the record?

MR. POWERS: Yes, very good.

MR. CONNOLLY: Okay. So this is what the
parties agreed to before the deposition. During this
deposition it is possible that UT or the Intervenors
will have questions that SFFA believes infringe upon the

1 them use my profile, and I answered questions that SFFA
2 has.

3 Q. (BY MR. POWERS) Now, have you ever been
4 invited to vote as an SFFA member on any matter?

5 MR. CONNOLLY: Objection to the form.

6 THE WITNESS: I'm not sure.

7 Q. (BY MR. POWERS) Have, you in fact, ever voted
8 on any matter of SFFA?

9 MR. CONNOLLY: Objection on First
10 Amendment associational privilege. I instruct the
11 witness not to answer the question.

12 Q. (BY MR. POWERS) Sitting here today, can you
13 recall one way or the other whether you voted on any
14 matter for SFFA?

15 MR. CONNOLLY: Objection on First
16 Amendment associational privilege. This is a yes or no
17 question about whether you are -- whether -- this is a
18 yes or no question.

19 THE WITNESS: I don't remember.

20 Q. (BY MR. POWERS) Do you know what SFFA's
21 procedures are for conducting elections?

22 A. No.

23 Q. Do you know what SFFA's procedures are for
24 taking votes on any matter?

25 MR. CONNOLLY: Objection to the form.

1 THE WITNESS: I don't know.

2 Q. (BY MR. POWERS) Now, do you have the authority
3 of SFFA to hire or obtain legal counsel on its behalf?

4 MR. CONNOLLY: Objection to the form.

5 THE WITNESS: I'm not sure.

6 Q. (BY MR. POWERS) You think it's possible that
7 you have that authority to hire legal counsel on behalf
8 of SFFA?

9 MR. CONNOLLY: Objection to the form.

10 THE WITNESS: I don't know.

11 Q. (BY MR. POWERS) Do you have authority from
12 SFFA to act on the advice of legal counsel on SFFA's
13 behalf?

14 MR. CONNOLLY: Objection to the form.

15 THE WITNESS: Can you restate the
16 question, please?

17 Q. (BY MR. POWERS) Sure. Are you a person
18 authorized by SFFA to act -- to act on the advice of
19 legal counsel?

20 MR. CONNOLLY: Objection to the form.

21 THE WITNESS: I'm not sure really what
22 you mean. I'm not sure what you're asking. So I don't
23 know.

24 Q. (BY MR. POWERS) Do you have authorization to
25 spend money on behalf of SFFA?

1 THE WITNESS: Yes, membership dues, paid
2 membership dues.

3 Q. (BY MR. POWERS) That's the \$10.00 fee you
4 referred to earlier?

5 A. Correct.

6 Q. Anything else?

7 MR. CONNOLLY: Objection to the form.

8 THE WITNESS: I'm not sure.

9 Q. (BY MR. POWERS) In your understanding what are
10 your rights as a member of SFFA?

11 A. I'm not sure.

12 Q. Do you serve on any committee within SFFA?

13 A. No.

14 Q. Do you know whether SFFA has any committees?

15 A. I'm not sure.

16 Q. Is there a membership roster that you've been
17 permitted to see?

18 MR. CONNOLLY: Objection to the form.

19 THE WITNESS: I don't remember.

20 Q. (BY MR. POWERS) Do you know how many members
21 SFFA has?

22 A. Approximately 20,000, I believe.

23 Q. And have you ever been given access to that
24 member roster?

25 A. I'm not sure.

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)
Defendants.)

REPORTER'S CERTIFICATE
OF [REDACTED]

I, Miah Hoffman, CVR, do hereby certify that the
foregoing deposition is a full, true and correct
transcript;

That the foregoing deposition of Witness, [REDACTED]
[REDACTED], the Witness, hereinbefore named was at the time
named, taken by me in oral stenograph on February 1,
2021, the said Witness having been by me first duly
cautioned and sworn to tell the truth, the whole truth,
and nothing but the truth, and the same were thereafter
reduced to typewriting by me or under my direction. The
charge for the completed deposition is \$ _____ due from
Defendant;

() That pursuant to the Federal Rules of

Civil procedure, the Witness shall have 30 days after being notified by certified mail, return receipt requested, by the deposition officer that the original deposition transcript is available in her office for review and signature by the Witness and if any corrections made are attached hereto;

() That by agreement of counsel, a reading condensed copy of the deposition transcript along with the full-sized original Changes and Signature Sheet has been sent to _____ on _____ for review and signature within 30 days and if any corrections returned are attached hereto;

() That by agreement of counsel, the deposition officer is instructed to release the original deposition transcript to _____ on _____ for review and signature, and the deposition officer is thereafter released of any further responsibility with regard to the original;

() That the witness shall have thirty (30) days for review and signature of the original transcript and if any corrections returned are attached hereto;

() That the signed transcript () was () was not received from the Witness within 30 days;

() That the examination and signature of the

Witness is waived by the Witness and the parties;

That the amount of time used by each party at the deposition is as follows:

Mr. Powers: 01 HOURS:38 MINUTE(S)
Mr. Hinojosa: 01 HOURS:25 MINUTE(S)
Mr. Connolly: 00 HOURS:01 MINUTE(S)

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in this action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 3rd day of February, 2021.



MIAH HOFFMAN, CVR 7859
Expiration Date: 9/1/2021
Firm Registration No. # 631
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